REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1. <u>Amendments to Specification and Claims</u>

The specification has been amended to correct minor grammatical and idiomatic errors, and claim 1 has been amended to include the limitations of original claims 2-5.

Because the changes are all formal in nature, it is respectfully submitted that the changes do not involve new matter.

2. <u>Rejection of Claims 1-8 Under 35 USC §102(b) in view of U.S. Patent No. 6,185,551 (Birrell))</u>

This rejection is respectfully traversed on the grounds that the Birrell patent fails to disclose or suggest an e-mail system that determines whether an e-mail exceeds the maximum length receivable by an electronic communication apparatus, and sends the e-mail in segments to an upper block of the apparatus <u>for reassembly by the upper block</u> if the e-mail is too large.

The e-mail system disclosed in the Birrell patent does nothing more than the e-mail system of the prior art described on pages 1 and 2 of the present application. If an e-mail is too large, only parts of the e-mail are sent to the electronic communication apparatus. The remaining parts are not sent by e-mail, but rather may be downloaded later via a hyperlink, as explained in col. 13, lines 17-23 of the Birrell patent:

> *Accordingly, the system 200 is configured to "hold back" such components 1010, 1020-1021 encoded in different formats using a "MIME" filter 1001. The attached and embedded components are replaced by hot-links 1031 in a reduced size message 1030. Only when the user clicks on one of the hot-links 1031 is the component sent to the requesting client computer.*

It is respectfully submitted that stripping a message of different-format components and replacing them with hot-links, as described in the Birrell patent, does <u>not</u> correspond to the claimed driving of a POP3 protocol of network communication software to send an entire e-mail message

segment-by-segment to an electronic communication device based on the maximum length receivable by the device.

In the Birrell patent, there is no suggestion that the network communication software considers the maximum length receivable by a particular device, but only that it hold back embedded files because they <u>might</u> be too large. No determination is actually made as to the size of the files. Furthermore, the held-back files are <u>not</u> sent by e-mail, *i.e.*, by POP3 as claimed, but rather are downloaded via a "hot-link." **Still further, since the files held-back in Birrell for later download are not sent in segments by POP3, there is no possible reason why an e-mail receiving upper block of the receiving communication device should *connect* all message segments together to form a complete e-mail, as claimed.**

Unlike the system described in the Birrell patent, the claimed invention does <u>not</u> seek to hold back portions of an e-mail, but to the contrary seeks to deliver complete messages to an electronic device without the need to download portions of the message at a later time. Downloading of message attachments might be acceptable in the context of Birrell, but it is not acceptable in the context of the claimed invention, namely use of electronic mail receiving devices such as PDA's and cellular telephones that may not have the capability of separately downloading large attachments via a "hot-link."

It is true that the conventional network protocol of packetizing communications could be thought of as segmenting the communications. However, **the claimed segments are <u>not</u> equivalent to packets, as alleged by the Examiner in lines 11-12 on page 3 of the Official Action**. Applicant is not claiming packetization, but rather is specifically claiming functions of the **POP3** component of a network communication software, *i.e.*, the **e-mail** protocol. *In ordinary packetization, the TCP/IP protocol does* <u>*not*</u>*:*

(i)   *determine the length of a message*;

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(ii) *segment the message (for re-connection by the upper block of the receiving communication device) if the package* <u>exceeds</u> *a maximum receivable length*; and

(iii) <u>not</u> *segment the message if the message does* <u>not exceed</u> *the maximum receivable length* **(TCP/IP messages are always sent in packet form, so there is never a need to <u>not</u> segment them, as claimed).**

Claim 1 now recites each of these segmenting and not segmenting functions of <u>POP3</u>, as well as the re-connection function for the upper block of the receiving electronic device. These are <u>not</u> all functions of the TCP/IP router or packetizer, no matter how broadly or creatively interpreted, and are not therefore anticipated by the Birrell patent.

Because the Birrell patent does not disclose or suggest all elements recited in amended claim 1, and in particular sending of *entire* messages by *POP3* to an electronic device in *segment-by-segment* fashion for *re-connection* at the device based on the size of the message, but to the contrary discloses a system that **holds-back** parts of messages for later retrieval by a **non-POP3** protocol, withdrawal of the rejection under 35 USC §102(b) is respectfully requested.

Having thus overcome each of the rejections made in the Official Action, expedited passage of the application to issue is requested.

Respectfully submitted,

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